

Art Unit: 2822

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 703-305-3743.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 703-308-4905. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722 for regular and after final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

ML

June 12, 2003

  
AMIR ZARABIAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800



Creation date: 01-10-2004  
Indexing Officer: KJOHNSON3 - KIMBERLY JOHNSON  
Team: OIPEBackFileIndexing  
Dossier: 10065837

Legal Date: 07-02-2003

No.	Doccode	Number of pages
1	A...	1
2	REM	1
3	LET.	1

Total number of pages: 3

Remarks:

Order of re-scan issued on .....



7/2/03

A DOCPHOENIX

# APPL PARTS

IMIS
Internal Misc. Paper
LET
Misc. Incoming Letter

371P  
PCT Papers in a 371 Application

A...  
Amendment Including Elections

ABST  
Abstract

ADS  
Application Data Sheet

AF/D  
Affidavit or Exhibit Received

APPENDIX  
Appendix

ARTIFACT  
Artifact

BIB  
Bib Data Sheet

CLM  
Claim

COMPUTER  
Computer Program Listing

CRFL  
All CRF Papers for Backfile

DIST  
Terminal Disclaimer Filed

DRW  
Drawings

FOR  
Foreign Reference

FRPR  
Foreign Priority Papers

IDS  
IDS Including 1449

NPL  
Non-Patent Literature

OATH  
Oath or Declaration

PET.  
Petition

RETMAIL  
Mail Returned by USPS

SEQLIST  
Sequence Listing

SPEC  
Specification

SPEC NO  
Specification Not in English

TRNA  
Transmittal New Application

CTNF  
Count Non-Final

CTRS  
Count Restriction

EXIN  
Examiner Interview

M903  
DO/EO Acceptance

M905  
DO/EO Missing Requirement

NFDR  
Formal Drawing Required

NOA  
Notice of Allowance

PETDEC  
Petition Decision

## OUTGOING

CTMS
Misc. Office Action

1449  
Signed 1449

892  
892

ABN  
Abandonment

APDEC  
Board of Appeals Decision

APEA  
Examiner Answer

CTAV  
Count Advisory Action

CTEQ  
Count Ex parte Quayle

CTFR  
Count Final Rejection

## INCOMING

AP.B  
Appeal Brief

C.AD  
Change of Address

N/AP  
Notice of Appeal

PA..  
Change in Power of Attorney

REM  
Applicant Remarks in Amendment

XT/  
Extension of Time filed separate

### Internal

SRNT  
Examiner Search Notes

CLMPTO  
PTO Prepared Complete Claim Set

ECBOX  
Evidence Copy Box Identification

WCLM  
Claim Worksheet

WFEE  
Fee Worksheet

### File Wrapper

FWCLM  
File Wrapper Claim

IIFW  
File Wrapper Issue Information

SRFW  
File Wrapper Search Info

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Gray *et al.*

Art Unit: 2822

Serial No.: 10/065,837

Dkt. #: BUR920010190 (IBMB-0018)

Filed: 11/25/2002

Examiner: Lewis, Monica

Title: HIGH PERFORMANCE VERTICAL  
PNP TRANSISTOR AND METHOD

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

4# Election  
FAX RECEIVED

JUL 02 2003

7/18/03  
TECHNOLOGY CENTER 2800  
Shm

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Restriction Requirement dated June 18, 2003.

Applicants hereby provisionally elect Group I, claims 1-11, with traverse.

REMARKS

Claims 1-20 are pending in the application. By this Response, claims 1-11 were elected for examination. Prompt examination on the merits is respectfully requested.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of Group I, claims 1-11 and Group II, claims 12-20 are sufficiently related that a thorough search for the subject matter of one would encompass a search for the subject matter of the other. In particular, the vertical PNP transistor claimed includes features based on the claimed method for forming the vertical PNP transistor such that a search for the PNP transistor

10/065,837

1



A DOCPHOENIX

## APPL PARTS

IMIS
Internal Misc. Paper
LET
Misc. Incoming Letter

371P  
PCT Papers in a 371 Application

A...  
Amendment Including Elections

ABST  
Abstract

ADS  
Application Data Sheet

AF/D  
Affidavit or Exhibit Received

APPENDIX  
Appendix

ARTIFACT  
Artifact

BIB  
Bib-Data Sheet

CLM  
Claim

COMPUTER  
Computer Program Listing

CRFL  
All CRF Papers for Backfile

DIST  
Terminal Disclaimer Filed

DRW  
Drawings

FOR  
Foreign Reference

FRPR  
Foreign Priority Papers

IDS  
IDS Including 1449

NPL  
Non-Patent Literature

OATH  
Oath or Declaration

PET.  
Petition

RETMAIL  
Mail Returned by USPS

SEQLIST  
Sequence Listing

SPEC  
Specification

SPEC NO  
Specification Not in English

TRNA  
Transmittal New Application

CTNF  
Count Non-Final

CTRS  
Count Restriction

EXIN  
Examiner Interview

M903  
DO/EO Acceptance

M905  
DO/EO Missing Requirement

NFDR  
Formal Drawing Required

NOA  
Notice of Allowance

PETDEC  
Petition Decision

## OUTGOING

CTMS
Misc. Office Action

1449  
Signed 1449

892  
892

ABN  
Abandonment

APDEC  
Board of Appeals Decision

APEA  
Examiner Answer

CTAV  
Count Advisory Action

CTEQ  
Count Ex parte Quayle

CTFR  
Count Final Rejection

## INCOMING

AP.B  
Appeal Brief

C.AD  
Change of Address

N/AP  
Notice of Appeal

PA..  
Change in Power of Attorney

REM  
Applicant Remarks in Amendment

XT/  
Extension of Time filed separate

BACKFILE DOCUMENT INDEX SHEET

### Internal

SRNT  
Examiner Search Notes

CLMPTO  
PTO Prepared Complete Claim Set

ECBOX  
Evidence Copy Box Identification

WCLM  
Claim Worksheet

WFEE  
Fee Worksheet

### File Wrapper

FWCLM  
File Wrapper Claim

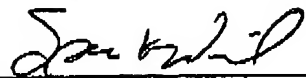
IIFW  
File Wrapper Issue Information

SRFW  
File Wrapper Search Info

claims 1-11 will include the subject matter of claims 12-20. "Where the claims of an application define the same essential characteristics of a *single* disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are but different definitions of the same disclosed subject matter, varying in breath or scope of definition." MPEP § 806.03 (emphasis in original).

In view of the foregoing, Applicants respectfully request withdrawal of the Restriction Requirement between Groups I and II. Should the examiner require anything further from Applicants, the examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

  
Spencer K. Warnick  
Reg. No. 40,398

Date: 7/2/03

Hoffman, Warnick & D'Alessandro LLC  
Three E-Comm Square  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)

FAX RECEIVED

JUL 02 2003

TECHNOLOGY CENTER 2800

10/065,837

2



A DOCPHOENIX

## APPL PARTS

       **IMIS**         
Internal Misc. Paper  
       **LET.**         
Misc. Incoming Letter

       **371P**         
PCT Papers in a 371 Application

       **A...**         
Amendment Including Elections

       **ABST**         
Abstract

       **ADS**         
Application Data Sheet

       **AF/D**         
Affidavit or Exhibit Received

       **APPENDIX**         
Appendix

       **ARTIFACT**         
Artifact

       **BIB**         
Bib Data Sheet

       **CLM**         
Claim

       **COMPUTER**         
Computer Program Listing

       **CRFL**         
All CRF Papers for Backfile

       **DIST**         
Terminal Disclaimer Filed

       **DRW**         
Drawings

       **FOR**         
Foreign Reference

       **FRPR**         
Foreign Priority Papers

       **IDS**         
IDS Including 1449

       **NPL**         
Non-Patent Literature

       **OATH**         
Oath or Declaration

       **PET.**         
Petition

       **RETMAIL**         
Mail Returned by USPS

       **SEQLIST**         
Sequence Listing

       **SPEC**         
Specification

       **SPEC NO**         
Specification Not in English

       **TRNA**         
Transmittal New Application

       **CTNF**         
Count Non-Final

       **CTRS**         
Count Restriction

       **EXIN**         
Examiner Interview

       **M903**         
DO/EO Acceptance

       **M905**         
DO/EO Missing Requirement

       **NFDR**         
Formal Drawing Required

       **NOA**         
Notice of Allowance

       **PETDEC**         
Petition Decision

## OUTGOING

       **CTMS**         
Misc. Office Action

       **1449**         
Signed 1449

       **892**         
892

       **ABN**         
Abandonment

       **APDEC**         
Board of Appeals Decision

       **APEA**         
Examiner Answer

       **CTAV**         
Count Advisory Action

       **CTEQ**         
Count Ex parte Quayle

       **CTFR**         
Count Final Rejection

## INCOMING

       **AP.B**         
Appeal Brief

       **C.AD**         
Change of Address

       **N/AP**         
Notice of Appeal

       **PA..**         
Change in Power of Attorney

       **REM**         
Applicant Remarks in Amendment

       **XT/**         
Extension of Time filed separate

**Internal**  
       **SRNT**         
Examiner Search Notes  
       **CLMPTO**         
PTO Prepared Complete Claim Set

       **ECBOX**         
Evidence Copy Box Identification  
       **WCLM**         
Claim Worksheet  
       **WFEE**         
Fee Worksheet

## File Wrapper

       **FWCLM**         
File Wrapper Claim  
       **IIFW**         
File Wrapper Issue Information  
       **SRFW**         
File Wrapper Search Info



# HOFFMAN, WARNICK & D'ALESSANDRO LLC

Intellectual Property Law  
www.hwdpatents.com

Received from <518 449 0047> at 7/2/03 2:03 PM [Eastern Daylight Time]

Michael F. Hoffman  
Spencer K. Warnick  
Ronald A. D'Alessandro

## FACSIMILE TRANSMISSION

**FOR:** PTO Group Art Unit 2822  
**FROM:** Spencer K. Warnick - Reg. No. 40,398  
**DATE:** 07/02/2003  
**NUMBER OF PAGES TO FOLLOW:** - 2 -  
**DESTINATION FACSIMILE NUMBER:** 703-872-9318

**FAX RECEIVED**

**NOTE:** Serial No.: 10/065,837  
Filing Date: 11/25/2002  
Docket No.: BUR920010190  
Examiner: Lewis, Monica  
Our File: IBMB-0018

JUL 02 2003

TECHNOLOGY CENTER 2800

**Attached:** Response to Restriction Requirement in 2 pgs.

If you do not receive the entire transmission, please call (518) 449-0044.

### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

WENDY E. THOMPSON

Type or print name of person signing certification

Wendy E. Thompson

Signature

Date

7/2/2003

**NOTE:** The information contained in or attached to this facsimile is attorney's **PRIVILEGED AND CONFIDENTIAL** information intended only for the person or entity named above. If you are not the intended recipient or someone responsible for delivering it to the intended recipient, please be aware that any copying or dissemination of this communication is **STRICTLY PROHIBITED**. If you receive this communication in error, please notify us at the telephone number listed above.

Three E-Comm Square, Albany, NY 12207 • ph: (518) 449-0044 • fax: (518) 449-0047





Creation date: 01-10-2004  
Indexing Officer: KJOHNSON3 - KIMBERLY JOHNSON  
Team: OIPEBackFileIndexing  
Dossier: 10065837

Legal Date: 10-06-2003

No.	Doccode	Number of pages
1	CTNF	10
2	892	1
3	1449	1

Total number of pages: 12

Remarks:

Order of re-scan issued on .....



A DOCPHOENIX

# APPL PARTS

IMIS
Internal Misc. Paper
LET
Misc. Incoming Letter

371P  
PCT Papers in a 371 Application

A...  
Amendment Including Elections

ABST  
Abstract

ADS  
Application Data Sheet

AF/D  
Affidavit or Exhibit Received

APPENDIX  
Appendix

ARTIFACT  
Artifact

BIB  
Bib Data Sheet

CLM  
Claim

COMPUTER  
Computer Program Listing

CRFL  
All CRF Papers for Backfile

DIST  
Terminal Disclaimer Filed

DRW  
Drawings

FOR  
Foreign Reference

FRPR  
Foreign Priority Papers

IDS  
IDS Including 1449

NPL  
Non-Patent Literature

OATH  
Oath or Declaration

PET.  
Petition

REMAIL  
Mail Returned by USPS

SEQLIST  
Sequence Listing

SPEC  
Specification

SPEC NO  
Specification Not in English

TRNA  
Transmittal New Application

## OUTGOING

CTMS
Misc. Office Action

1449  
Signed 1449

892  
892

ABN  
Abandonment

APDEC  
Board of Appeals Decision

APEA  
Examiner Answer

CTAV  
Count Advisory Action

CTEQ  
Count Ex parte Quayle

CTFR  
Count Final Rejection

CTNF 10  
Count Non-Final

CTRS  
Count Restriction

EXIN  
Examiner Interview

M903  
DO/EO Acceptance

M905  
DO/EO Missing Requirement

NFDR  
Formal Drawing Required

NOA  
Notice of Allowance

PETDEC  
Petition Decision

## INCOMING

AP.B  
Appeal Brief

C.AD  
Change of Address

N/AP  
Notice of Appeal

PA..  
Change in Power of Attorney

REM  
Applicant Remarks in Amendment

XT/  
Extension of Time filed separate

### Internal

SRNT  
Examiner Search Notes

CLMPTO  
PTO Prepared Complete Claim Set

ECBOX  
Evidence Copy Box Identification

WCLM  
Claim Worksheet

WFEE  
Fee Worksheet

### File Wrapper

FWCLM  
File Wrapper Claim

IIFW  
File Wrapper Issue Information

SRFW  
File Wrapper Search Info